

Order

**Supreme Court
Lansing, Michigan**

September 21, 2005

Clifford W. Taylor,
Chief Justice

126599

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 126599
COA: 254610
St. Joseph CC: 02-109461-FH
02-113591-FH

TRACY LYNN TIMM,
Defendant-Appellant.

By order of December 29, 2004, the applications for leave to appeal were held in abeyance pending the decision in *People v Hendrick* (Docket No. 126371). On order of the Court, the opinion having been issued on June 14, 2005, 472 Mich 555 (2005), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the St. Joseph Circuit Court and REMAND to that court for resentencing in light of *Hendrick* and *People v Babcock*, 469 Mich 247 (2003).



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I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2005

Corbin R. Davis

Clerk